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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,570	03/04/2005	Michael Roreger	512100-2045	8017

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Frommer Lawrence & Haug  
745 Fifth Avenue  
New York, NY 10151

EXAMINER
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ASDJODI, MOHAMMAD REZA

ART UNIT	PAPER NUMBER
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1796

MAIL DATE	DELIVERY MODE
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03/18/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/526,570	<b>Applicant(s)</b> ROREGER ET AL.	
	<b>Examiner</b> Asdjodi M. Reza	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12/07/2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/28/07, 3/4/05</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

*Attention: In the amendments to the claims, received on 12/07/2007, claim 1 is currently amended amended, is not original. Similarly, claim 6 is currently amended. Appropriate correction, or proper status modifier, is required.*

### **Claim Rejections - 35 USC § 102**

*The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:*

*A person shall be entitled to a patent unless –*

***(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.***

Claims 11 is rejected under 35 U.S.C. 102(b) as being anticipated by GB. 1,551,578, (Colgate-Palmolive).

Regarding claim 11, Colgate-Palmolive teaches a method of manufacturing elastic detergent bars with foaming polymer, air bubbles by mixing the constituents in water pouring the gasified mixture into cooled moulds and removing the solid soaps eventually; [Pg.7, L.5-55].

Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Colgate-Palmolive Company in patent specification: GB.1,551,578.

Regarding claim 14, even though Colgate-Palmolive does teach the limitation and all components, but it does not, specifically, teach using it in

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dishwashers, kitchen drains... etc. It has been held that a recitation with respect to the manner in which a claimed article, or composition, is intended to be employed does not differentiate the claimed article from a prior art article satisfying the claimed structural limitation. *Ex parte Masham*, 2 USPQ2d 1647 (1987), [MPEP 2114, R-1].

### ***Claim Rejections - 35 USC § 103***

*The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:*

***(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.***

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-8, 10 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB. 1,551,578, (Colgate-Palmolive) in view of Mabley (US 2,356,168).

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Regarding claim 1-2, and 17, Colgate-Palmolive discloses a detergent bar (intended for conventional uses), which has a backbone forming polymer (film), air bubbles and it is solid; [Pg.1, L.5-25], wherein the soap has elastic and plastic properties; [Pg.4, L.10-15].

Colgate-Palmolive does not explicitly teach this soap with the strip or sheet thickness about 0.5 cm, even though it discusses the approximate thickness of the soap; [Pg.4, L.15-18]. However, Mabley teaches a leaf (strip) soap with a completely water soluble cellulose material as a backbone that can be cut in any size and thickness; [Pg.1, L.1-10 & Fig-1]. Mabley and Colgate-Palmolive are analogous (or combinable) art because they are from the same field of endeavour, that of cleaning compositions. At the time of invention, it would have been obvious to a person of ordinary skill in the art to manufacture the soap of Palmolive in shapes and size of Malbey with the intention of making a soap for a single use and easy to carry. Limitation regarding changes in size or shape are not sufficient to patentably distinguish over prior art. *In re Rinehart*, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976), [MPEP 2144.04, IV].

Regarding claims 3-6, and 15, Colgate-Palmolive discloses a detergent bar comprising: water-soluble alkali metal salts of fatty hydrocarbons and surfactants; [Pg.2, L.55-65], [Pg.3, L.5-10], synthetic polymers such as polyvinyl alcohol; [p.1, L 10-25], starch; [Pg.11, L.42], cellulose derivatives; [Pg.15, L.17], and foam forming agent, [Pg.2, L.19 & Pg.8, L.33].

Regarding claims 7-9, Colgate-Palmolive does not disclose the percentage of air bubbles with respect to that of soap. It teaches injection of air

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bubbles into soap which is in gel form. This action will cause the volume of the mixture to increase from 5 to 60%, [p.7, L.60-65]. Therefore, it is clear that the added amount of air bubbles will directly determine the density of soap.

Specifically, the percentage of air bubble will manifest itself in a desired density of soap as it is achieved by the value of 0.5 to 0.9gr/cc, [Pg.2, L.5-10].

Regarding claims 10, and 16, Colgate-Palmolive teaches an expandability of 0-100%; [Pg.4, L.15-18].

Regarding claims 18-19, Colgate-Palmolive teaches the basic claimed composition as set forth above regarding claim 1.

Colgate Palmolive does not teach the time of dissolution of soap in water. It is physio-chemically implicit that this time is a function of thickness and concentration of ingredients in soap. The Office realizes that all the claimed effects or physical properties, such as dissolution times, are not positively stated by the reference (or: References). However, the reference teaches all of the claimed reagents. Therefore, the claimed effects and physical properties (time of dissolution) would implicitly be achieved by a composition with all the claimed ingredients. If it is the applicant's position that this would not be the case: (1) evidence would need to be presented to support applicant's position; and (2) it would be the Office's position that the application contains inadequate disclosure that there is no teaching as to how to obtain the claimed properties and effects with only the claimed ingredients.

Regarding claim 20, as applied to claims 5 and 1, Colgate-Palmolive teaches a soap: with density of 0.5 to 0.9gr/cc, [p.2, L.5-10], and an expandability

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of 0-100%; [Pg.4, L.15-18]. With respect to time of dissolution in aqueous medium, as explained before in claims 18-19, this physical property is an implicit system property and it is achieved by presence of all required ingredients as set forth by above mentioned claims.

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB. 1,551,578, (Colgate-Palmolive), as applied to claim 11.

Regarding claim 12, Colgate-Palmolive teaches every limitation except additional compression. With respect to additional compression of the soap, the experimental modification of this prior art in order to ascertain optimum fitting conditions fails to render applicants' claims patentable in the absence of unexpected results. *In re Aller*, 105 USPQ 233. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to optimize the size and density of the soap by additional compression, in order to be able to adjust the percentage volume of air bubble in the soap. A prima facie case of obviousness may be rebutted, however, where the results of the optimizing variable, which is known to be result-effective, are unexpectedly good. *In re Boesch and Slaney*, 205 USPQ 215, [MPEP 2441.05].

Regarding claim 13, GB.1,551,578 discloses the claimed invention except for: "dividing into individual doses". Duplication of parts has no patentable significance unless a new and unexpected result is produced. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960), MPEP2144.04, VI, A. At the time of invention, It would have been obvious to a person of ordinary skill in the art to cut

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or divide them into individual doses. Motivation was to make them available for one time use.

### ***Response to Arguments***

Applicant's arguments filed 12/07/07 have been fully considered but they are not persuasive. With respect to soap's thickness, the colgate-Palmolive soap will behave in the same way of instant claims when cut at the same thickness. However Mabley's soap teaches the instant claim's thickness precisely.

With respect to backbone forming natural and synthetic polymers of claims 4 and 5, it is noteworthy that gelatin is indeed a natural polymer.

With respect to claims 9, 12 and 13, it would be obvious for an ordinary skill in the art of making sheet, or strip, soap to adjust compression, the amount of soap, and air injection to achieve a flat sheet of soap (single use) with desired thickness.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will



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the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Reza Asdjodi whose telephone number is 571-270-3295. The examiner can normally be reached on Monday-Friday 8:00-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M. Reza Asdjodi,  
02-25-08

/Mark Eashoo/  
Supervisory Patent Examiner, Art Unit 1796  
12-Mar-08